IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.202 OF 2005

Smt.Radhabai Dhondiba Jambhale .. Appellant.
Vs.
Shri Balasaheb Dadu Fulari & Ors. .. Respondents.

Mr.T.D.Deshmukh for the appellant.

CORAM : D.B.BHOSALE, J.

DATED : 26TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the appellant.

2. This appeal by original defendant no.5 challenges the concurrent judgments of the courts below by which the suit filed by the respondents-plaintiffs for partition and separate possession of their shares in the suit properties stands decreed. The suit for partition was resisted by the appellant-defendant no.5 with original defendant no.4, 6 and 7 contending that they are having business of Hotel and Band Company since last 60 to 70 years and they are enjoying the property admeasuring 20 ft. X 10 ft. for Hotel and 20 ft. X 10 ft. for tailoring and band company. They are paying taxes to the Grampanchayat as well as the electricity bills. In view thereof they contended

that they are enjoying the said property continuously for more than 20 years and they have become owners by adverse possession. This case of defendant no.5 made out in the written statement has been rightly negatived by the courts below for the reasons recorded in the impugned judgment. Mr.Deshmukh, learned counsel for the appellant did not raise any question/ground warranting interference by this court in the instant appeal. No substantial question of law, in my opinion, is involved in the instant appeal. Considering that there are concurrent findings recorded by the courts below and as I find sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court to disturb the findings of fact this second appeal stands dismissed. However, this shall not preclude the appellant-defendant to claim possession on the basis of the admission, if any, given by the plaintiff in respect of his status as the tenant.

(D.B.Bhosale, J.)